REMARKS

Claim Status

Claims 1-9 and 11-15 are pending in the present application. No additional claims fee is believed to be due.

Claim 10 is canceled without prejudice.

Applicants would like to thank the Examiner for the withdrawal of the of the nonstatutory obviousness-type double patenting rejection. Applicants would like to further thank the Examiner for the withdrawal of the rejection under 35 U.S.C. § 103(a) over Fowler et al. (US 5,635,469) of claims 1-4 and 6-9, 11, and 13-15; the withdrawal under 35 U.S.C. §103(a) over Fowler et al. in view of Boehm et al. (US 3,422,993) of claim 9; and the withdrawal of the rejection under 35 U.S.C. § 103(a) over Fowler et al in view of Baeck et al. (US 5,679,630) of claim 5.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth)

Claims 1-2, 4, 6-9, and 11-15 have been rejected under 35 USC §103(a) as being unpatentable over Loth. This rejection is traversed as Loth does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claims 1-2, 4, 6-9, and 11-15. Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

Specifically, Applicants would like to draw attention to the statement in the Office Action dated June 13, 2006, discussing Loth:

> "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a dispenser, i.e., pump-type sprayer wherein the foam generated in the dispenser would exhibit a foam having a foam to weight ratio within those recited because similar ingredients with overlapping viscosity and similar dispenser have been used."

As discussed in the June 13, 2006, Dr. Rafael Ortiz Declaration, discussion how one of skill in the art would not equate a pump-type dispenser discussed in Loth with the foam-generating dispenser required by the present claims. Rather, a pump-type dispenser

would be equated to a trigger type sprayer. In the event that one of skill in the art would equate a pump-type sprayer with a foam-generating dispenser, as shown by the testing data presented in Dr. Oritz's declaration, the foam to weight ratio is not within the limits in the present claims.

As such the logic presented in the June 13, 2006, would not hold true in the opinion of Dr. Ortiz, one skilled in the art, as stated in his declaration.

Loth does not teach or suggest all of the claim limitations of Claims 1-2, 4, 6-9, and 11-15 and, therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Applicants respectfully request that the rejection of Claims 1-2, 4, 6-9, and 11-15 under 35 U.S.C. § 103(a) over Loth be withdrawn.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth) in view of US 5,635,469 (Fowler et al.)

Claim 3 is rejected under 35 U.S.C. § 103(a) over Loth in view of Fowler et al..

Applicants submit and discuss above that Loth does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 3 alone or in view of Fowler et al.. As such, Applicants submit that a *prima facie* case with respect to all of the claim limitations of Claim 3 has not been established and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth) in view of US 5,679,630 (Baeck et al.)

Claim 5 is rejected under 35 U.S.C. §103(a) over Loth in view of Baeck et al.

Applicants submit and discuss above that Loth in view of Baeck et al. does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 5. The Office Action does not cite Baeck et al. with respect to a foam-generating dispenser, rather it is cited as teaching protease enzymes having improved proteolytic activity which can be used in any detergent composition or concentrated detergent compositions where high sudsing and/or good insoluble substrate removal are desired.. As such, Applicants submit that a *prima facie* case with respect to all of the claim limitations of claim from with Claim 5 depends, likewise does not present a *prima facie* case with respect to all of the claim limitations of Claim 5 and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

Rejection Under 35 USC §103(a) Over US 5,075,026 (Loth) in view of US 3,422,993 (Boehm et al.)

Claim 9 is rejected under 35 U.S.C. §103(a) over Loth in view of Boehm et al.

Applicants submit and discuss above that Loth in view of Boehm et al. does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claim 9. As such, Applicants submit that a *prima facie* case with respect to all of the claim limitations of claim from with Claim 9 depends, likewise does not present a *prima facie* case with respect to all of the claim limitations of Claim 9 and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested. Applicants' attorney invites the Examiner to contact her with any questions the Examiner may have regarding this application.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-9 and 11-15 is respectfully requested.

Respectfully submitted,

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